

OPTIONAL PLAN CONFORMANCE/NEPA COMPLIANCE RECORD

CX-NM-510-2007-0099

Chesapeake Operating Inc

Serial No.: NM-31173

BLM Office: Roswell Field Office

Proposed Action Title/Type: Right-of-Way Renewal for the following rights-of-way.

NM 31173

Location of Proposed Action: Locations as described in the grant for the above right-of-way.

Description of Proposed Action: Chesapeake Operating Inc. is requesting to renew one (1) Right-of-Way addressed above. Because the right-of-way is a renewal, no balding or disturbance of the surface will be done. Term for the renewal of this right-of-way is for 30 years.

PART I: PLAN CONFORMANCE REVIEW.

The proposed action is consistent with the approved Roswell Resource Area Management Plan and is consistent with Bureau policy and guidance.

The proposed action is consistent with State and local government programs, plans, zoning, and applicable regulations. The land is suitable for the proposed use and would not result in any undue or unnecessary environmental degradation.

PART II: NEPA REVIEW

This proposed action qualifies as a categorical exclusion under 516 DM 6, Appendix 5.4, E (18). The proposed action has been reviewed and determined that none of the exceptions described in 516 DM 2, Appendix 2, apply.

Prepared by:

Reviewed by:

Linda A. Askwig \_\_\_\_\_ Date

Irene M. Gonzales \_\_\_\_\_ Date

### III. DECISION.

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved Roswell Management Plan and is consistent with Bureau policy and guidance and that no further environmental analysis is required. It is my decision to renew the rights-of-way as described, for 30 years, with an option to renew, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) subject to the terms and conditions in 43 CFR 2880; rental payments as determined by 43 CFR 2803.1-2; and the attached Current Standard Stipulations for Buried Pipelines in the Roswell Field Office, BLM.

Compliance and Monitoring: The construction phase of this proposed action and subsequent operational phases will be monitored as per regulation.

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Larry D. Bray  
Assistant Field Manager  
Lands and Minerals

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Date



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Roswell Field Office  
2909 West Second Street  
Roswell, New Mexico 88201-2019

In Reply Refer to:  
2800  
NM-31173

### DECISION

SERIAL NUMBER: NM-31173

NAME OF RIGHT-OF-WAY HOLDER: Chesapeake Operating Inc  
Attn: Sandra Alvarado  
P. O. Box 18496  
Oklahoma City, OK 73154-0496

TYPE OF RIGHT-OF-WAY: 4 1/2 inch pipeline.

LAND INVOLVED: T. 10 S., R. 29 E., N.M.P.M.  
Section 23: SWSE  
Section 26: N2SE,SESE  
Section 35: E2E2  
T. 11 S., R. 30 E., N.M.P.M.  
Section: 5: L3  
Section 8: SWSE

### Renewal of Right-of-Way Grant Approved

Renewal of this right-of-way is hereby approved effective August 11, 2007 for thirty years. This grant shall terminate on August 11, 2036. The renewal is approved subject to the following terms and conditions:

1. All valid rights existing on the date of the renewal.
2. All applicable regulations in 43 CFR 2800 and 2880.
3. Stipulations originally agreed to by grantee.
4. Exhibit A, (current) Roswell Field Office Standard Stipulations for Buried Pipeline.
5. **Rental in the amount of \$567.83 is due (see attached bill).**

Larry D. Bray  
Assistant Field Manager  
Lands and Minerals

2 Enclosures:

1 - Exhibit A, Stipulations

2 - Bill

**BURIED PIPELINE STIPULATIONS FOR THE ROSWELL FIELD OFFICE, BLM**

The Holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.
2. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the pipeline route or on facilities authorized. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et. seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way Holder's activity on the pipeline). This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.
4. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any oil or other pollutant should be discharged, impacting Federal lands, the control and total removal, disposal, and cleaning up of such oil or other pollutant, wherever found, shall be the responsibility of the Holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting there from, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the Holder. Such action by the Authorized Officer shall not relieve the Holder of any liability or responsibility.
5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on the Holder's behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to

determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the holder.

6. The holder is hereby obligated to comply with procedures established in the Native American Graves Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of project implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes."

7. The holder shall be held responsible if noxious weeds become established within the area. Evaluation of growth of the noxious weeds shall be made upon discovery. Weed control will be required on the disturbed lands resulting from this actions, which include the roads, pads and associated pipelines and on adjacent lands affected by the establishment of weeds due to this action.

The holder shall insure that the equipment and or vehicles that will be used to construct, maintain and administer the access roads, well pad, and resulting well are not polluted with invasive and noxious weed seeds. Transporting of invasive and noxious weed seeds could occur if the equipment and vehicles were previously used in noxious weed infested areas. In order to prevent the spread of noxious weeds, the Authorized Officer shall require that the equipment and vehicles be cleaned with either high pressure water or air prior to construction, maintenance and administration of the access roads, well pad, and resulting well.

The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods, which include following EPA and BLM requirements and policy.

8. The holder shall be responsible for maintaining the site in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment.

9. The holder shall conduct all activities associated with the construction, operation and termination of the pipeline within the authorized limits.

10. The pipeline will be buried with a minimum cover of 36 inches between the top of the pipe and ground level.

11. Blading of all vegetation shall be allowed. Blading is defined as the complete removal of brush and ground vegetation. Clearing of brush species will be allowed. Clearing is defined as the removal of brush while leaving ground vegetation (grasses, weeds, etc.) intact. Clearing is best accomplished by holding the blade 4 to 6 inches above the ground surface. In areas where blading and/or clearing is allowed, the maximum width of these operations will not exceed 30 feet.

12. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair impacted improvements to at least their former state. The Holder shall contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

13. Vegetation, soil, and rocks left as a result of construction, drilling, or maintenance activity will be randomly scattered over the project area and will not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. A berm will be left over the ditch line to allow for settling back to grade.

14. The Holder shall reseed all surface disturbed by construction activities. Seeding shall be done according to the attached seeding requirement (Exhibit B), using the attached seed mixture (as determined to meet Desired Plant Community objectives).

15. All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this project is Olive Drab, Munsell Soil Color Chart Number 18-0622 TPX.

16. The holder shall post signs designating the BLM serial number assigned to this authorization at the following locations: the points of origin and completion, or entry to and exit from public lands, of the pipeline and at all major road crossings. These signs will be posted in a permanent, conspicuous manner, and will be maintained in a legible condition for the term of the right-of-way. (See Note\*, page 3.)

17. The Holder shall not use the pipeline as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the holder. The holder shall take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

18. The period of time that any trenches or other excavations are kept open will be held to the minimum compatible with construction requirements. Open trenches will have ramps, bridges, or earthen plugs, at least six feet wide, every one-quarter mile to pass livestock and wildlife.

19. Special Stipulations:

\* Note from Stipulation No. 16: Although any legible means of marking your right-of-way is acceptable, even decal appliques, most quickly wear away and become illegible, requiring frequent maintenance to remain in compliance with the stipulation. An excellent, very long-lasting, low maintenance sign is a metal plate 3" or more in thickness, 2" to 3" high, and about 1 foot long, with the BLM serial number cut into or welded onto the metal. When this type of sign is painted as per Standard Stipulation No. 16 and supported at least 18" above the ground, it can remain legible and in good condition for many years without further upkeep.

The BLM serial number for this project is NM- 31173.